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SUBJECT: BILATERAL CONSULAR WORKING GROUP DISCUSSES VISA  
WAIVER PROGRAM ROADMAP

REF: A. 06 BRATISLAVA 794

¶1. SUMMARY: On September 11, Ambassador, DHS DAS for Policy Development Nathan Sales, Director for the Visa Waiver Program Office Daniel Sullivan, and Embassy officers met with representatives of the GOS to discuss the visa waiver program in light of the recent 9/11 legislation. Discussions included a direct meeting with Interior Minister Kalinak followed by the broader Bi-Lateral Consular Working Group. Discussions were seen as positive and solution-oriented. The most controversial topic was the proposed exchange of passenger name record data for passengers not traveling to the US, which GOS feels may be in violation of the EU data privacy directive. Overall, GOS presented a strong picture of its national security efforts, many in preparation for entry into the Schengen zone, which position them well to fulfill VWP criteria. END SUMMARY.

¶2. MOI Kalinak discussed the stable nature of Slovakia, the lack of terrorist group activity within the country and the very strict Slovak asylum laws. He stressed that the GOS has been focused heavily on security improvements for Slovakia's expected entry in Dec 07 into the Schengen zone. These include scanning systems that allow full inspection of truck containers within 40 seconds to identify human forms, as well as systems on the border with the Ukraine designed to indicate humans, but prevent false positive reactions to large animals. DHS Sales and Sullivan lauded measures and expressed appreciation for the Interior Ministry's political will to meet VWP requirements.

¶3. After meeting the Minister, Ambassador Vallee, Sales and Sullivan, joined conoffs and poloff at the MFA for the Bi-lateral Consular Working Group Meeting, chaired by State Secretary (Deputy Minister) Diana Strofova. Also present were representatives from the Slovak MOJ and MOI. Strofova stressed throughout the meeting the GOS desire to work with the United States to gain entry to the VWP and therefore improve relations between the two countries. DAS Sales presented, in detailed form, the seven security requirements for designation of new countries to the VWP.

¶4. In a number of areas, the GOS provided evidence that Slovakia is already in compliance with the requirement. The GOS already publishes a database with the numbers of lost and stolen passports (including personalized passports) on a publicly accessible website. Slovak e-passports with one biometric feature (digital face map) will be issued as of Dec 15, 2007. GOS is awaiting technical specifications from the EU before adding the fingerprint biometric information, but the systems are in place to do so. Slovakia already currently accepts its citizens for repatriation from abroad. (On the point of repatriation, Sales stated that despite the 9/11 legislation wording, countries will not be expected to take back former citizens.) Despite currently having no direct flights to the US, GOS highlighted that all its major airports (Bratislava, Poprad and Kosice) recently passed security evaluations for inclusion in

Schengen without problems. In addition, the police force has experience in the past executing air marshal work, and the GOS clearly signaled that incorporation of an American air marshal program should pose little difficulty.

15. The most discussion and potential obstacles surrounded the topic of information exchange. The initial sharing of watch list and other criminal activity information was generally accepted with a few questions on actual implementation. However, once the talks moved to the discussion of PNR, especially the sharing of information on passengers not traveling to the US, a representative from the MOJ stated that she felt fulfillment of this requirement may be in direct conflict with the EU directive on data privacy. When asked directly if non-fulfillment of this requirement would prevent a country from entering the VWP, DAS Sales declined to state so definitively.

16. At the conclusion of the general VWP discussions, Ambassador Vallee addressed the issue of the refusal rate waiver, communicating that the rate continues to fall (FY2006 was 16% and FY2007 to Sept 7th is 12.1%). He stressed that the government must continue to promote economic opportunities for its citizens at home.

17. Conoff and MFA/MOJ officials then continued with non-VWP discussions (septel) while Ambassador and DHS representatives joined Strofova for a luncheon. Sullivan expressed his strong praise for the national security actions in place or in process in Slovakia, stating that "they should be proud of the work they have done" and that this work will provide a strong basis on which to build towards entry into VWP.

18. As the next step, DHS is expecting a formal GOS response to the security requirements presented to determine areas of focus for cooperation and assistance.

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19. DHS has not cleared this cable.

110. COMMENT: DHS representatives expressed their very positive impressions to post about the tone/current activities of the GOS. Given the timeframe that DHS indicated to create an ETA system (9 - 12 months), Post will actively support the GOS in its efforts to meet VWP requirements. Post will also continue to stress to the GOS that they should carry out a public relations campaign to encourage their citizens not to overstay visas. Post welcomes any additional information from VO or DHS regarding a model bi-lateral Memorandum of Understanding regarding VWP requirements. END COMMENT.

VALLEE